

## **LAND USE AND ZONING COMMITTEE**

*October 23, 2008*

The Land Use and Zoning Committee hereby find and determine that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 7:00 p.m.

The following members were present: Messrs., Hullihen, Klco, Terriaco, Urbanski, Welch, and Messes. Ross, and Diak. Staff: David Radachy

### **Leroy Township Text Change, Definitions:**

Leroy Township is adding definitions of terms that were used in new Chapter 31, riparian setbacks. Staff commented that Chapter 31 was reviewed last month. Staff stated that most of the definitions were from a model riparian setback code except "Primary Headwater Habitat", "Wetlands, Category 1", "Wetlands, Category 2", and "Wetlands, Category 3". Staff stated that there were other terms that were used in the regulations that were not defined. They would like to see the following terms added to the zoning resolution:

**Stream Crossing:** A stabilized area or structure constructed across a stream to provide a travel way for people, livestock, equipment, or vehicles or place for utilities to cross the stream.

**Stream Bank Stabilization:** Any constructed facility, structure or device that protects the stream bank from the erosive forces of moving water.

**Water Treatment Plant:** Facility that uses physical and chemical processes for making water suitable for human consumption and other purposes.

**Structural Storm Water Management Practice:** Any constructed facility, structure or device that provides storage, conveyance and/or treatment of Stormwater runoff.

**Stream Bed:** The channel through which a natural stream of water runs or used to run.

**Stream Bank:** The sides of a channel that hold or carry water.

Staff also stated that Leroy Township should consider changing the name of "Sewer, on site" to "On Site Sewage Systems". On Site Sewage Systems is the term used in Chapter 31. They should also make a reference that Ohio EPA can be also known as OEPA.

Mrs. Ross stated that definitions were submitted at the request of the county. The Committee questioned if a driveway for home would be included in the stream crossing definition. Staff stated yes. There was also some question about the definition of One Hundred Year Floodplain. The line "The base flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year." Staff stated that a greater chance would be a 10% or ten-year flood or 100% chance, the annual flood. These flood plains are inside of the 100-year flood plain.

Mr. Klco made a motion to recommend the definitions with staff's suggested definitions.  
Mr. Terriaco seconded the motion.

All voted "Aye".  
Motion passed.

## **Leroy Township Text Change, Prohibited Uses-Junk Cars**

Staff stated that Leroy Township Zoning Commission asked the Lake County Prosecutor to look into ways to make their junk car zoning language stronger. The Lake County Prosecutor wrote language based on ORC 505.871, which provides the trustees the power to tow cars within a certain period and be reimbursed the costs of the removal. The Lake County Prosecutor made a determination that this language can be entered into the zoning text because it is based on health and safety.

The committee had concerns that this expanded the prohibited use section from two pages to six pages. Some of the members were concerned about the increase of regulations. There was discussion on if this was needed. Are there people complaining about junk cars? Staff stated that Leroy Township was being pro-active on this issue.

They questioned if this could be somewhere else. Staff stated that ORC 505 is the chapter that gives the Trustees their power. ORC 519 is the chapter that allows zoning. This section has the Trustees as being the enforcement agents. This section could be a stand alone resolution in staff's opinion, but that is not what is recommended by the Lake County Prosecutor.

Mr. Terriaco made a motion to recommend the text change.  
Mr. Welch seconded the motion.

Three voted "Aye".  
Four voted "Nay".

Motion failed.

The Committee agreed with the concept, but felt that the language was overkill. This language could be added if there is enough complaints from the residents and enough support to add it. Some of the committee felt it should be a stand alone resolution outside of the zoning resolution.

Mr. Hullihen motioned to adjourn.  
Mr. Klco seconded.

Meeting ended at 7:29 P.M.